

**REMARKS**

Claims 1 and 3-16 are pending in the application. Claims 4-8 and 10-15 are withdrawn by the Examiner. Claims 1, 9 and 16 are rejected. The last Amendment and Response filed on February 15, 2007 was partially successful. Claim 3 is now allowable, and a patent could issue at this time having this claim. Upon entry of the instant Amendment, claims 1, 3, and 9 will be pending and under consideration. Applicants understand all of the rejections to be based primarily on semantics issues. Applicants herein make the following changes:

1. Change claim 1 to read “with at least 95 amino acids of SEQ ID NO:2 and a length of 115 amino acids;” and
2. Insert “residues” after “amino acid” in claim 9.

***Rejection under 35 U.S.C. 112, first paragraph as regards written description***

The Examiner rejects claim 9 because the specification allegedly does not disclose an isolated polypeptide consisting of a fragment of human cardiac troponin I wherein an N-terminus of the fragment is amino acid 20 to about 30 and a C-terminus of the fragment is amino acid 95 to about 115 of native human cardiac troponin I. In the interest of advancing prosecution, Applicants change the claim to recite that “an N-terminus of the fragment is amino acid residues 20 to 30, and a C-terminus of the fragment is amino acid residues 95 to 115.”

***Rejection under 35 U.S.C. 112, second paragraph***

The Examiner rejects claims 1 and 9 as allegedly unclear. The reasons provided are as follows:

1. Claim 1 recites a broad range or limitation together with a narrow range or limitation that falls within the same both in the same claim (alleging that it

is unclear how applicants are claiming a polypeptide consisting of an N-terminal fragment where the fragment is longer than SEQ ID NO:2); and

2. Claim 9 refers to amino acid 20 to 30 and amino acid 95-115, but it is unclear allegedly whether this refers to length or specific residues.

In the interest of advancing prosecution, Applicants change claim 1 to recite "with at least 95 amino acids of SEQ ID NO:2 and a length of 115 amino acids" thereby obviating this concern. Further, Applicants specify "amino acid residues" in each occurrence in claim 9 thereby obviating this concern as regards clarity.

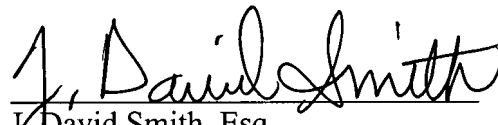
#### *Fees*

No additional fees are believed to be necessitated by the present submission. However, should this be in error, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment, or to credit any overpayments.

#### CONCLUSION

Entry of the foregoing reply into the record is respectfully requested. An early allowance is earnestly sought.

Respectfully submitted,

  
J. David Smith, Esq.  
Attorney for Applicant(s)  
Registration No. 39,839

KLAUBER & JACKSON L.L.C.  
411 Hackensack Avenue  
Hackensack NJ 07601  
Tel: (201) 487-5800